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CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 CONTINENTAL D.I.A. DIAMOND
13 PRODUCTS, INC., a California corporation,

14 Plaintiff,

15 vs.

16 DONG YOUNG DIAMOND INDUSTRIAL
17 CO., LTD., a South Korean company,
18 DONGSOO LEE, an individual, and DOES 1-
10, inclusive,

19 Defendants.
20

21 AND RELATED COUNTERCLAIMS.
22

Case No. CV 08-2136 SI

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR
MODIFICATION OF THE
SCHEDULING ORDER RE:
DISCOVERY DEADLINES**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008

Trial Date: February 16, 2010

23 **STIPULATION**

24 WHEREAS, counsel for Continental D.I.A. Diamond Products, Inc. ("Continental" or
25 "Plaintiff") and Defendants Dong Young Diamond Industrial Co., Ltd. and counsel for DongSoo
26 Lee (collectively "Defendants") attended the August 14, 2009 case management conference.

27 WHEREAS, at the conference Continental informed the Court that it would require an
28 additional seven (7) days to complete fact discovery and an additional thirty (30) days to complete

1 expert discovery due to Defendants' delay in the production of documents required by the Court's
2 July 17, 2009 Order. *See* Dkt. No. 114.

3 WHEREAS, Defendants agreed to such extensions of the discovery deadlines.

4 WHEREAS, on August 18, 2009 the Court entered an order: (1) advancing the hearing on
5 motions for summary judgment from December 4, 2009 to December 3, 2009; (2) requiring
6 Defendants to produce all responsive documents in compliance with the Court's July 17, 2009 order
7 by August 28, 2009; and (3) requiring Continental to draft a proposed scheduling order regarding
8 discovery deadlines. *See* Dkt. No. 138.

9 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines is not for
10 the purpose of delay, and the parties believe that this reasonable extension of time will not affect
11 any of the other dates set by the Court, including the February 16, 2010 trial date, and is in the
12 interests of fairness and in the interests of justice.

13 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
14 STIPULATE as follows:

15 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
16 allow the parties sufficient time to complete fact and expert discovery, the parties agree and
17 respectfully request that the current pre-trial schedule (*See* Dkt. Nos. 44-2, 78, 95-96, 99) be
18 modified as follows:

19 1. The fact discovery cut-off, which is currently set for September 28, 2009, is
20 extended to October 5, 2009;

21 2. The deadline to designate experts, which is currently set for October 12, 2009, is
22 extended to November 12, 2009;

23 3. The deadline to designate rebuttal experts, which is currently set for November 5,
24 2009, is extended to December 7, 2009; and

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1 4. The expert discovery cut-off, which is currently November 30, 2009 is extended to
2 December 23, 2009.

3 **IT IS SO STIPULATED BY THE PARTIES.**

4 Dated: August 20, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

5
6 /s/ Jeffrey M. Ratinoff
By: JEFFREY M. RATINOFF

7 Attorneys for Plaintiff/Counter-Defendant,
8 Continental D.I.A. Diamond Products, Inc.

9
10 Dated: August 20, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

11
12 /s/ Alfred C. Frawley
By: ALFRED C. FRAWLEY

13 Attorneys for Defendants/Counterclaimants,
14 Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

15
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated:

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20 

21
22 THE HONORABLE SUSAN ILLSTON
23 UNITED STATES DISTRICT COURT JUDGE

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25 4695589v.2